Customer No.: 23446
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

King, et al.

Serial No.: 10/006,557

Filing Date: December 3, 2001

For: MODULATION OF PERICYTE PROLIFERATION

Examiner: Michail A. Belyavskyi, Ph.D.

Group Art Unit No.: 1644

Confirmation No.: 2649

EXPRESS MAIL NO. EV 327682822 US

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RESPONSE TO OFFICE ACTION OF OCTOBER 6, 2003 WITH RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 6, 2003, Applicants elect Group I claims and the diabetic retinopathy species of claim 3 as amended herewith (see also claim 2) with traverse. This response is timely filed, as a Petition for a Five-Month Extension of Time, with a check for the required fee of $1,005.00, is submitted herewith, making the response due on April 6, 2004.

Group I consisted of claims 1-3, 20, 21, 22, 33, 34, and 35 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from a complication of diabetes.

Group II consisted of claims 1, 4, 20, 21, 22 and 35 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from disease associated with the presence of autoantibodies to pericytes.

Group III consisted of claims 1, 5, 20, 21, 22 and 35 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from age-related macular degeneration.

Group IV consisted of claims 1, 6, 20, 21, 22 and 35 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from ovarian failure.

Group V consisted of claims 1, 7, 20, 21, 22 and 35 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from multiple sclerosis.

Group VI consisted of claims 1, 8, 20, 21, 22 and 35 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from conditions involving perturbation of the blood-brain-barrier or partial seizures.

Group VII consisted of claims 1, 9, 20, 21, 22 and 35 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is pregnant and placental development is enhanced.

Group VIII consisted of claim 1, 10, 20, 21, 22 and 36 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is in need of wound healing.

Group IX consisted of claims 1, 11, 20, 21, 22 and 37 drawn to a method of enhancing pericyte cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from a bone degenerative disorder.

Group X consisted of claims 12, 13 and 38, drawn to a method of inhibiting pericyte cell proliferation comprising administering to a subject in need an agent that inhibits BPI protein product-induced proliferation of pericyte cells, wherein the subject is suffering from hypertension.

Group XI consisted of claims 12, 14 and 38, drawn to a method of inhibiting pericyte cell proliferation comprising administering to a subject in need an agent that inhibits BPI protein product-induced proliferation of pericyte cells, wherein the subject is suffering from vascular disease.

Group XII consisted of claims 12, 15 and 38, drawn to a method of inhibiting pericyte cell proliferation comprising administering to a subject in need an agent that inhibits BPI protein product-induced proliferation of pericyte cells, wherein the subject is suffering from acute respiratory distress syndrome.

Group XIII consisted of claims 12, 16 and 38, drawn to a method of inhibiting pericyte cell proliferation comprising administering to a subject in need an agent that inhibits BPI protein product-induced proliferation of pericyte cells, wherein the subject is suffering from endometriosis or adenomyosis.

Group XIV consisted of claims 17, 18, 27, 28 and 39 drawn to a method of enhancing retinal epithelial cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from retinitis pigmentosa.

Group XV consisted of claims 17, 19, 27, 28 and 39 drawn to a method of enhancing retinal epithelial cell proliferation comprising administering to a subject in need a BPI protein product, wherein the subject is suffering from age-related macular degeneration.

Group XVI consisted of claims 23 and 32 drawn to a method of screening for a candidate inhibitor of BPI-induced proliferation of pericytes.

Group XVII consisted of claims 24 and 32 drawn to a method of screening a BPI protein product for the ability to enhance proliferation of pericytes.

Group XVIII consisted of claims 25, 26 and 32 drawn to a method of screening for a candidate enhancer of pericyte proliferation.

Group XIX consisted of claims 29 and 32 drawn to a method of screening for a candidate inhibitor of BPI-induced proliferation of epithelial cells.

Group XX consisted of claims 30 and 32 drawn to a method of screen for a BPI protein product for the ability to enhance proliferation of epithelial cells.

Group XXI consisted of claims 31 and 32 drawn to a method of screening for a candidate enhancer of epithelial cell proliferation.

Applicants' election of Group I, claims 1-3, 20, 21, 22, 33, 34 and 35, is hereby made without prejudice to Applicants' right to pursue the non-elected claims in one or more divisional applications. The Examiner is invited to telephone Applicants' representative if the Examiner believes, for any reason, that personal communication would expedite the prosecution of this application.

Respectfully submitted,

Date: April 6, 2004

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